United Nations CEDAW/C/MNE/Q/2

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
25 November 2016

Original: English

Committee on the Elimination of Discrimination against Women
Sixty-seventh session
3-21 July 2017
Item 4 of the provisional agenda
Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the second periodic report of Montenegro

Constitutional and institutional mechanisms

1. In response to the Committee's previous concluding observations, please provide information on measures taken to implement the provision preventing direct and indirect discrimination based on sex, sexual orientation and gender identity of the Law on the Prohibition of Discrimination (2010) (CEDAW/C/MNE/CO/1, para. 4 (b)). Please also provide information on court proceedings during which the provisions of the Convention were directly invoked or applied.

Access to justice and legal complaint mechanisms

2. It is indicated in the second periodic report of the State party (CEDAW/C/MNE/2) that the Law on Amendments to the Law on Protector of Human Rights and Freedoms of Montenegro grants the Protector the authority to dispose of the funds earmarked for it through the Law on the Budget (para. 31).[1] It is also indicated that matters of direct and indirect gender-based discrimination (besides all other forms of discrimination) are dealt with by the Protector (para. 28). Please provide details about the budget earmarked for the Protector and the activities implemented by the above-mentioned institution. The State party also indicates in the aforementioned report that the Convention has priority in the training sessions and presentations of the Ministry for Human and Minority Rights (para. 24). However, there is no mention in the report of efforts made to translate

Note: The present document is being circulated in English, French and Spanish only.

[1] Unless otherwise indicated, paragraph numbers refer to the second periodic report of the State party.

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the Convention and the Optional Protocol thereto to Montenegrin. Please provide information with regard to the dissemination of the Convention and the possibility of filing a complaint directly with a court in cases of discrimination by a State authority, an individual or a private entity.

National machinery for the advancement of women

3. In response to the Committee's previous concluding observations (CEDAW/C/MNE/CO/1, para. 15), the State party reported on an initiative taken to create a national council for monitoring the implementation of gender equality policies. Please provide information on the position that the aforementioned national council takes within the government structure; its mandate; the distribution of responsibilities between the Council and the Department for Gender Equality; the coordination mechanisms between them and with local structures for gender equality, such as municipal councils and offices for gender equality and the human and financial resources assigned to the two national structures. Please provide updated information on the collection of gender-specific statistical data, given that a lack of such data was underlined in the Committee's previous concluding observations (ibid., para. 2).

Temporary special measures

4. It is indicated in the report that laws and strategic documents ensure gender equality through general and special measures (para. 252). In addition to the measures indicated in paragraphs 134 to 136 and 264 of the report, please provide information on existing temporary special measures taken to promote substantive gender equality in areas in which women are underrepresented or disadvantaged and on the aforementioned measures' impact on the situation of women in all areas covered by the Convention, in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures.

Stereotypes

5. In its previous concluding observations (CEDAW/C/MNE/CO/1, para. 16), the Committee raised a concern about the persistence of gender stereotypes in the media, political life and society at large. Please provide information on the impact of measures taken to address gender stereotypes that are discriminatory towards women, including through education and the media, as outlined in paragraphs 51 to 65 of the report. In addition, please provide examples of the media taking a proactive role in the implementation of gender-sensitive policies, as defined in the National Action Plan for Gender Equality and mentioned in the report (para. 66).

Violence against women

6. According to the report (para. 67), following the adoption of the Law on Protection from Violence in Family, an increase in the number of cases of violence processed and solved was noted. A United Nations Development Programme survey on perceptions of the judiciary regarding violence against women and violence in the family, however, indicates that sexual abuse in family relations continues to be rarely reported, owing to the stigma attached to the victims and a high tolerance for

violence in the family. In this regard, please provide information on measures taken to encourage women to report cases of sexual abuse and other forms of abuse in family relations and to eliminate the stigmatization of women who are victims of sexual abuse.

7. Please indicate whether training provided to police officers and social and health workers in the implementation of the legislative framework on the prevention and prosecution of violence against women is mandatory, as recommended in the Committee's previous concluding observations (CEDAW/C/MNE/CO/1, para. 19), and whether such training, in addition to mandatory capacity-building for the judiciary, has led to an increase in the number of investigations, prosecutions, including ex officio prosecutions, and convictions of perpetrators of domestic and sexual violence, including marital rape.

8. Please provide data on the number of protection orders issued with regard to domestic violence since the introduction of the rulebook on closer content and the appearance of forms for restraining orders or the prohibition of returning to apartments or other housing spaces (para. 70), and of the rulebook on the execution of protective measures of eviction from apartments, restraining orders and the prohibition of the harassment and stalking of victims (para. 71). Please also provide follow-up data on the above-mentioned orders, the percentage of orders violated, the percentage of violations of orders leading to prosecutions and the outcome of the aforementioned prosecutions.

9. Please provide updated information on the establishment of a "unique database" of victims of violence in the family as a part of the project entitled "Social card — information system of social care" (para. 80), and on eventual plans to expand the above-mentioned database to include cases of violence against women in society in general and cases reported through alternative sources. Please also provide information on the means of collecting these data and on the corresponding training of data-collecting agents.

10. Parliament adopted the Crime Victim Compensation Act in June 2015 (para. 105), which envisages financial compensation to protect and assist victims of criminal acts of violence. Please comment on the possibility of applying this law immediately, independent of the date of accession of Montenegro to the European Union.

Trafficking in women and girls

11. Please report on the effectiveness of the implementation of anti-trafficking legislation in curtailing trafficking in women and girls for sexual exploitation. In addition, there is no mention in the report of the number of temporary residence permits granted to victims of trafficking, including cases in which the above-mentioned victims are unwilling or unable to cooperate with the prosecutorial authorities. Please provide relevant data, in line with the Committee's previous concluding observations (CEDAW/C/MNE/CO/1, para. 21 (e)), and information on the fate of victims who have not obtained a temporary residence permit.

12. According to information before the Committee, the provision of licences to private and non-governmental organization (NGO) service providers is planned within the framework of the Bylaw on Minimum Standards for Shelters and

Emergency Reception Units. Please provide more detailed information, in line with the Committee's previous concluding observations (CEDAW/C/MNE/CO/1, para. 21), on the funding provided for the anti-trafficking activities of NGOs, and for the shelters and assistance available to victims of trafficking for purposes of sexual exploitation.

Participation in political and public life

13. It is indicated in the report that amendments to the Law on Election of Counsellors and Members of Parliament were adopted in March 2014, which introduced regulation of the end-of-mandate replacement of counsellors and Members of Parliament with candidates from the less-represented sex, and the positioning of men and women on electoral candidate lists (para. 134). Please report on measures taken to ensure the implementation of regulations to improve the representation of women, such as the rejection of electoral candidate lists that do not comply, in line with the Committee's previous concluding observations (CEDAW/C/MNE/CO/1, para. 23). Please also comment on initiatives taken to create an enabling environment for the political participation of women, including Roma, Ashkali and Egyptian women, for example by adequately funding the campaigns of women candidates, educating young women leaders and strengthening the women's wings of political parties, in line with the Committee's previous concluding observations (ibid., para. 23).

Education

14. Please describe the efforts made by the State party to promote the diversification of educational and vocational choices for women and men and to address the underrepresentation of women among full-time professors. Moreover, according to the Montenegro Multiple Indicator Cluster Survey of 2013, only 40 per cent of female Roma and Egyptians in Montenegro are able to read a short, simple statement about everyday life, compared with 62.9 per cent of Roma and Egyptian males, 99.2 per cent of all women and 90 per cent of all men in Montenegro. Information before the Committee shows that progress has been made in the enrolment of children in school, but that the stated difference is related to high dropout rates among Roma and Egyptian children. Please report on the specific measures taken to ensure the enrolment and presence of Roma, Ashkali and Egyptian children in primary and secondary school.

Employment

15. It is indicated in the report that the Law on Labour contains provisions on the principle of equal pay for work of equal value (para. 168). However, according to the Statistical Office of Montenegro and its publication entitled *Women and Men in Montenegro* (2014), the earnings of men are on average 16 per cent higher than those of women in Montenegro. Please provide information on measures taken to ensure respect for the principle of equal pay in the public and private sectors, and detailed information on measures taken to support and protect women employed in the informal sector.

16. The State party has reported on the definition of harassment, sexual harassment and racial discrimination in the Law on Prohibition of Discrimination

(paras. 241 and 248) and on the adoption of a special law on prohibition of harassment at work (para. 40). Please provide sex-disaggregated data on the court cases and administrative complaints relating to sex-based labour discrimination and sexual harassment, in line with the Committee's previous concluding observations (CEDAW/C/MNE/CO/1, para. 29 (c)).

17. The State party has reported on awareness-raising activities relating to the political and economic empowerment of women (para. 17), and on active employment policies, through plans, programmes and measures aimed at increasing employment (para. 179). Please provide specific information, in line with the Committee's previous concluding observations (CEDAW/C/MNE/CO/1, para. 29 (d)), on measures aimed specifically at the employment of women, including time-bound targets and indicators that are aimed at achieving substantive equality of men and women in the labour market, eliminating occupational segregation and closing the gender wage gap. Please also refer to measures planned and implemented in the framework of the Strategy for the Development of Women Entrepreneurship in Montenegro. Please also provide information on the outcome of the Study on Women Entrepreneurship in Montenegro (para. 154) and on the financial commitments attached to the implementation of both the National Action Plan for Gender Equality (para. 153) and the Strategy for the Development of Women Entrepreneurship in Montenegro (para. 155).

18. In the report, regulation of parental leave through the Law on Labour, including the option to share the aforementioned leave between parents, is mentioned (para. 171). Please provide data on the beneficiaries of parental leave and shared parental leave, and on the available flexible working arrangements promoted by the Employers' Union of Montenegro (para. 176). Please also provide updated information on specific measures taken to guarantee the sharing of family responsibilities, and describe steps taken by employers to encourage male employees to fully utilize flexible working arrangements and paternity leave.

Health

19. It is indicated in the report that, based on the Law on Health Protection, all women, including women with disabilities, Roma, Ashkali and Egyptian women, and refugee and displaced women, have free and adequate access to health services (para. 188). According to a World Health Organization survey in 2014, however, private household out-of-pocket expenditures make up a large proportion of total health expenditures. Please report on measures contemplated to enforce the legal provision of women's free access to health services, and provide information on the principal women's health issues in Montenegro.

Rural women

20. Reference is made in the report to a specific programme for improving the employability of women in rural areas (para. 264) and to awareness-raising activities in relation to the active contribution of rural women to the economy (para. 25). Please provide additional information on measures taken to make a positive impact on the situation of rural women in all areas covered by the Convention, in line with article 14 of the Convention and the Committee's general recommendation No. 34 (2016) on the rights of rural women.

Disadvantaged groups of women

21. Please provide information on measures taken to produce specific statistical data with regard to access to employment in all sectors by Roma, Ashkali and Egyptian women, in line with the Committee's previous concluding observations (CEDAW/C/MNE/CO/1, para. 35), and by rural and older women. Please also comment on measures implemented in the framework of the Strategy for the Improvement of the Status of the Roma, Ashkali and Egyptian Community in Montenegro (2008-2012), including measures taken to prevent child marriage. Please also indicate whether a new strategic framework for the above-mentioned purpose is being developed and implemented.

22. In its report, the State party refers to a specific directive ensuring the protection of the health of refugee Roma, Ashkali and Egyptian women (para. 191). Information before the Committee, however, indicates that refugee women encounter obstacles in access to providers of reproductive health services and the services themselves, and difficulties covering the related expenses. Moreover, the Montenegro Multiple Indicator Cluster Survey provides troubling data about the use of contraceptive methods and awareness of HIV/AIDS among Roma and Egyptian women: in 2013, only 4.1 per cent of Roma and Egyptian women between 15 and 49 years of age who were married or in a union were using (or their partner was using) a contraceptive method, compared with 23.3 per cent of the general population. Moreover, 46.2 per cent of Roma and Egyptian women had heard of HIV/AIDS, compared with 72.9 per cent of Roma and Egyptian men, and compared with 97.4 per cent of women from the general population and 98.1 per cent of men. Please provide updated information on the access of Roma, Ashkali, Egyptian and refugee women to reproductive health services and to information on relevant health issues. Please also provide information about the activities led to monitor the health situation of the Roma, Ashkali and Egyptian population (para. 194).

Marriage and family relations

23. The State party indicates that the new Law on Social and Child Protection provides for material and employment-related support to single parents (para. 200). Please report on the number of women benefiting from the above-mentioned provision, and on the steps taken by the State party to increase the levels of family benefits for single mothers to ensure an adequate standard of living for them and their children, in line with the Committee's previous concluding observations (CEDAW/C/MNE/CO/1, para. 33 (a)). Please indicate measures taken by the State party to guarantee all single parents, regardless of the number of their children, access to the aforementioned support necessary to ensure an adequate standard of living for them and their children. Please also indicate measures taken and programmes implemented to empower single mothers economically, in line with the Committee's previous concluding observations (ibid., para. 33 (b)). In addition, please provide updated information on amendments to the Family Law with regard to the Committee's previous concluding observations (ibid., para. 37), and specify whether the above-mentioned law recognizes intangible property, including pensions, insurance benefits and other career assets, as joint marital property to be distributed.